**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**PUBLIC INTEREST LITIGATION (L) NO. 19 OF 2007**

Member of the Hutatma Babu Genu
Mumbai Girni Kamgar Kreeda Kendra .. Petitioners.

vs.

Municipal Corporation of Greater
Mumbai & Ors. .. Respondents.

None for Petitioners.
Ms. Shobha Ajeet Kumar for Respondent No. 1.
Mr. P.J. Jadhav, AGP., for R. No. 4, 7 & 8.
Mr. C.J. Sawant, Sr. Adv. i/by V.C. Ghosalkar
for respondent nos. 5 & 6.
Mr. S.G. Surana for respondent no. 10.
Ms. C. Gole i/by Umashankar Upadhyay for R. No.11.

**CORAM: J.N. PATEL &**
**SMT. NISHITA MHATRE, JJ.**
**DATE: 28TH NOVEMBER, 2007.**

P.C.

. None for the petitioners.

2. Heard.

3. The petitioners in public interest has moved this Court with the grievance that the Sports Complex in the Island city of Mumbai known as Babu Genu Mumbai Girni Kamgar Kreeda Kendra is being appropriated by carrying out encroachment and additional construction which will destroy the existing facilities provided to the weaker section of the society particularly the mill workers for whose benefits it was made.

4. We have gone through the affidavit in reply filed by the respondents and particularly the Municipal Corporation wherein it has been specifically stated in the affidavit filed by Mr. Vilas R. Koranne, Executive Engineer that whatever developmental work is taken out is within the R.G. Kamgar Kreeda Bhavan is in accordance with the sanction granted to them and it does not in any manner affect the existing Olympic size Swimming Pool. In so far as the question of plot being divided, it is for the purpose of convenience as there are two different activities carried out i.e. one designated as recreational ground on sub-plot 'A' and another for Maharashra Kamgar Kreeda Kendra on sub-plot 'B' and both the plots are directly accessible from Senapati Bapat Marg. The 50' wide road line has been sanctioned under Section 291 (a) of the M.M.C. Act, 1888 as per the Corporation Resolution No. 952 of 31.1.1944 and it is in compliance with all the requirements which have been approved by the State Government. The plot in question belongs to the M.M.C.

Therefore, in the facts and circumstances, we do not find any merit in the petition.

5. Inspite of repeated opportunities given to the petitioners to file rejoinder, if any, none appeared for the petitioners nor has anybody taken interest to contest the matter further which rather goes to show that the petitioners conduct in filing this petition was not bonafide. Therefore, we dismiss the petition.

**(J.N. Patel, J.)**

**(Smt. Nishita Mhatre, J.)**